

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	
and Speech-to-Speech Services for)	CG Docket No. 03-123
Individuals with Hearing and Speech)	
Disabilities)	
)	
Speech-to-Speech and Internet)	
Protocol (IP) Speech-to-Speech)	CG Docket No. 08-15
Telecommunications Relay Services)	
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COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint Nextel”), on behalf of the Telecommunications Relay Services (“TRS”) operations of its subsidiary, Sprint Communications Company L.P., hereby respectfully submits its comments on various issues raised in the *Notice of Proposed Rulemaking*, FCC 08-149 issued June 24, 2008 (“*NPRM*”) in the above-captioned proceedings.

A. Minimum Time Periods

The Commission has requested comments on whether it “should amend the TRS regulations to require that an STS [Speech-to-Speech] CA [Communications Assistant] must stay with the call for a minimum of twenty minutes, rather than the present minimum of fifteen minutes.” *NPRM* at ¶ 14. The Commission’s request here is based on a petition filed June 26, 2006 by Bob Segalman and Rebecca Ladew in which they “asserted that because ‘STS calls often last much longer than text-to-voice calls, changing CAs on these calls prior to twenty minutes can seriously disrupt their flow and impair functionally equivalent telephone service’.” *Id.* at ¶7 quoting the Segalman/Ladew Petition at 3.

Although Sprint Nextel does not have any over arching objection to increasing the minimum time that a CA must remain on the call, it questions the need for any minimum. The goal of the Commission here should be to ensure that STS users receive quality service. The focus of Sprint Nextel's dedicated staff of STS CAs has been and continues to be the quality of service provided. Sprint Nextel STS CAs do not watch the clock and will more often than not continue to relay calls from STS users even if the calls goes beyond the current 15 minute minimum especially if the hand off will negatively affect the quality of the call for the STS user. Moreover, the initial STS CA will attempt to honor requests from STS callers that he relay the call for its duration. If the STS CA receiving the request is near the end of his shift or is scheduled to take a break before the call is likely to end, he will so advise the caller and determine if the caller wants another STS CA to initiate the call.¹ In short, Sprint Nextel regards the current minimum time rule merely as a guideline and will continue to do so even if such guideline is increased to 20 minutes.

If, as Sprint Nextel believes, the prescription of a minimum time period is unnecessary, there is no reason to attempt to "define the point at which the minimum time period begins to run, *e.g.*, when 'effective' communication takes place between the STS user and the CA." *NPRM* at ¶ 15. In any event, Sprint Nextel believes that the only objective standard for defining when "effective communication" between the STS caller and the CA begins to run is when the call reaches the CA and the caller begins to provide call set-up information, *e.g.*, the number to be dialed, to the CA. Any other standard such as when the STS user is satisfied that the CA

¹ Under Sprint Nextel's methods and procedures, an STS CA who is scheduled for a break within 30 minutes of the time the hand-off would occur would not take over the call.

understands the caller's speech patterns is simply too subjective to be adopted as a standard for when "effective communications" between the STS user and the CA begins.

B. 711 Access for STS Users

The Commission has asked parties to "comment on ways [the Commission] can ensure that STS users calling 711 will promptly reach an STS CA to handle their calls." *NPRM* at ¶ 17. It points out "that some relay providers use prompts so that the caller can indicate the type of call the caller desires to make" and asks whether it should "require[e] TRS providers to use a prompt or menu that would permit STS callers to indicate that they would like to reach an STS CA." *Id.* Sprint Nextel agrees that STS callers using the 711 access to reach a TRS center should be able to reach an STS CA. In fact, Sprint Nextel at the request of the TRS Administrators in Texas and New York has installed a prompt on the voice response unit that will connect the STS user to an STS CA. The use of such a prompt should be added to the minimum standards for STS.

C. IP STS

Sprint Nextel agrees with the Commission's tentative conclusion that "IP STS is a form of TRS compensable from the Interstate TRS Fund because it is an extension of STS that gives persons with speech disabilities an alternative way to initiate an STS call and reach a CA." *NPRM* at ¶ 18. Indeed, there is no justification for depriving folks with speech disabilities the use of Internet-enabling devices, *e.g.*, computers and PDAs, when making STS calls. Moreover, as the Commission points out, the fact that IP STS calls will be paid for by the Interstate Relay Fund "will be an incentive for multiple providers to offer this service on a nationwide basis, generating competition that will enhance consumer choice, service quality, and available features." *NPRM* at ¶ 19.

Further, Sprint Nextel agrees that consistent with its approach to establishing rates for IP Captel, the rate for IP STS should be same as the MARS-based rate for traditional STS, *NPRM* at ¶ 20; that the certification process for IP STS providers that do not provide TRS services in a state-certified program should be the same as the certification process for non-state-certificated entities that provide IP Relay or VRS services; *NPRM* at ¶¶ 21-23;² and that the minimum standards applicable to traditional STS service that are listed in ¶ 24 of the *NPRM* are either “inapplicable to IP STS or should be waived.”

The Commission also asks for comments on the handling of emergency calls from users of IP STS. Sprint Nextel believes that the emergency call handling requirements applicable to providers of IP Relay and VRS should be applied to providers of IP STS. There is simply no justification for exempting IP STS providers and their users from these requirements.

D. Outreach

The Commission has asked for comments on whether outreach to STS users needed to be enhanced. In this regard, the Commission points to filings by Speech Communications Assistance by Telephone (SCAT) in which SCAT claims “that the majority of STS calls are intrastate” but “that the intrastate providers lack sufficient funding to do the outreach that is necessary to reach the large number of potential STS users” because “the state STS rates are generally below actual costs.” *NPRM* at ¶ 26. SCAT asks “that the Commission require the states to increase their STS compensation rates to ensure that STS is made available to all

² Consistent with the Commission’s approach to certifying IP Captel providers, state-certified providers of TRS services that elect to provide IP STS would be eligible to receive compensation from the Interstate Fund as long as a state informed the Commission that the provider was offering TRS services pursuant to the state’s certified program. *See NPRM* at fn. 64

potential users” and the Commission seeks comment on whether it has “the authority to require individual states to increase the compensation rates paid for intrastate STS.” *Id.* Sprint Nextel believes that the Commission lacks the authority under Section 225(d)(3) to require that states increase the rates for STS calls that are jurisdictionally intrastate. Even assuming, *arguendo*, that the Commission did have jurisdiction to establish intrastate compensation rates, the notion that such rates, which are established on the basis of competitive bids, are nonetheless below costs is difficult to accept. As the Commission has found competitively bid state rates approximates providers' reasonable costs. *2007 TRS Cost Recovery Order*, 22 FCC Rcd 20140, 20150 (2007). In short, outreach efforts to promote increased use of intrastate STS services are the responsibility of each state and there is no justification for the Commission to usurp state jurisdiction in this regard.

E. One Nationwide STS Provider.

The Commission should also reject SCAT's request that it choose one provider to handle both interstate and intrastate STS calls. There is no justification for Commission preemption here. Certainly, Section 225 of the Act explicitly provides for state jurisdiction over intrastate TRS calls and the fact that states have jurisdiction over intrastate STS calls does not adversely implicate any federal interest. *Louisiana Public Service Commission v. FCC*, 476 U.S. 355, 368-369 (1986). In any event, a one nationwide provider approach would seemingly conflict with the

Commission's determination that allowing IP STS would encourage the entry of new STS providers which in turn would generate competition and thereby enhance consumer welfare.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

A handwritten signature in black ink, appearing to read "Michael B. Fingerhut", written over a horizontal line.

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